IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5239 of 1995

Between:

S. Chakrapani S/o S. Muddukrishnaiah, R/o.Tirupathi.

..... PETITIONER

AND

The Executive Officer, Tirumala Tirupathi Devasthanam,
Tirupathi, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not regularising the services of the petitioner is illegal, arbitrary and in violation of statutory right and further direct the Respondent to regularise the services of the petitioner w.e.f. 15.9.1978 with all consequential benefits.

Counsel for the Petitioner: MR. A.BHASKARA CHARY

Counsel for the Respondent: MR. G.JAGADEESWAR

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in not regularizing services of the petitioner with effect from 15-09-1978 as arbitrary and illegal and consequently, direct the respondent to regularize the services of the petitioner with effect from

15-09-1978.

It is the case of the petitioner that he passed Intermediate and was appointed as a Guide in Kalyanakatta in Tirumala Tirupati Devasthanams (for short, 'T.T.D') with effect from 15-09-1978 on N.M.R basis. However, by an order dated 20-01-1981, the petitioner was redesignated as N.M.R. Assistant in a vacant post at Kalyanakatta, T.T.D and continued as such. While so, the petitioner and three others were suspended by proceedings dated 23-10-1981 on the ground that there was misappropriation of Rs.1,500/- (collected on 1000 tonsure tickets in Kalyanakatta on 16-10-1981). According to the petitioner, those tickets were misplaced. Though an enquiry was conducted, no final orders were passed. However, in the meanwhile, the other three persons were let off the charge and they were reinstated into service on 24-12-1981, whereas the petitioner was not reinstated into service. Further, insofar as the other three persons are concerned, the period of suspension was also regulated. Under those circumstances, the petitioner filed Writ Petition No.16045 of 1989 before this Court and since an appeal is available to the appropriate authority, this Court disposed of the writ petition on 14-02-1991 directing the petitioner to avail the appeal remedy. The petitioner filed an appeal before the appellate authority-Board of Trustees and the appellate authority, however, considered the same and passed orders on 26-06-1991 by resolution of the Board and he was reinstated into service. Now, it is the case of the petitioner that since no action was taken by the respondent right from 23-10-1981 till he was reinstated into service in the year 1991, he is entitled for regularization of his service with effect from 15-09-1978 with all consequential benefits.

A detailed counter has been filed by the respondent denying the allegations made by the petitioner and seeking to dismiss the writ petition.

I have given earnest consideration to the respective submissions made by the learned Counsel on either side and looked into the material made available on record.

At the outset, I am of the considered opinion that this is only an imaginative and speculative litigation and requires to be deprecated. Though the petitioner was suspended along with three others on
23-10-1981 and the other three persons, who were suspended along with him were reinstated into service on 24-12-1981 itself, the petitioner did not move his little

finger. On the other hand, after lapse of more than nine years, he approached this Court and filed Writ Petition No.16045 of 1989, which was ultimately dismissed on 14-02-1991, however, permitting the petitioner to avail the appellate jurisdiction. The petitioner must thank for his stars that his appeal, which was filed after more than ten years, was taken up by the Board of Trustees and on the basis of a resolution passed by the Board, he was reinstated into service. It is interesting to note the resolution of the Board of Trustees, which reads as under:

> "The issue was examined. Only on humanitarian grounds he is restored. He has on his own given a representation that he will not claim any back wages. He will be regularized as NMR from the date of the resolution."

From the above resolution, it is clear that the petitioner has lost all his rights to his services if any rendered in T.T.D prior to his reinstatement into service. He did not question the said resolution. He accepted the same and accepted the appointment on that basis and now he rakes up the issue of regularization of his services right from 15-09-1978, the day on which he was purported to have been appointed as a Guide NMR. This is an imaginary and speculative litigation, which requires to be deprecated.

The writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

17th June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive Officer, Tirumala Tirupati Devasthanam,

Tirupati, Chittoor District.

2. Two CD copies.